

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **May 8, 2008**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. If no hearing is requested, the prevailing party must submit an order to the Court in accordance with Rule 3.1312 of the California Rules of Court. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department One: (530) 406-6888

#### **TENTATIVE RULING**

**Case:** **Broward Brothers, Inc. v. Evans, et al. (lead case)**  
**Case No. CV CV 07-2201, consolidated with**  
**Evans v. Broward Bros.**  
**Case No. CV CV 07-2205**

**Hearing Date:** **May 8, 2008** **Department One** **9:00 a.m.**

Plaintiff Broward Brothers, Inc.'s unopposed motion to compel Defendant De Reyelle Evans d/b/a Evans Tile & Marble to respond to Form Interrogatories, Special Interrogatories, and Request for Production of Document, Sets No. One is **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b) and 2031.300, subd. (b).) The defendant shall serve verified responses to the above-listed discovery requests, without objections, by no later than May 26, 2008. Plaintiff Broward Brothers, Inc. shall provide De Reyelle Evans d/b/a Evans Tile & Marble with notice of this order by no later than May 12, 2008. The request for monetary sanctions is **GRANTED IN PART**. De Reyelle Evans d/b/a Evans Tile & Marble shall pay to Broward Brothers, Inc. monetary sanctions in the amount of \$480.00.

Plaintiff Broward Brothers, Inc.'s unopposed motion to compel Defendant De Reyelle Evans d/b/a Evans Tile & Marble to respond to Request for Admission, Set No. One is **DENIED**. Code of Civil Procedure sections 2033.010 *et seq.* do not authorize a motion to compel a response to a request for admission where no response is given. Plaintiff does not seek to have the matters specified in the requests and the genuineness of any documents deemed admitted.

Plaintiff Broward Brothers, Inc.'s unopposed motion to strike the cross-complaint and for an order finding Defendant De Reyelle Evans d/b/a Evans Tile & Marble to be in default is **DENIED**.

**TENTATIVE RULING**

**Case:**                    **Smith v. Griffin**  
                              **Case No. CV CV 06-1879**

**Hearing Date:**      **May 8, 2008**                    **Department One**                    **9:00 a.m.**

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Robert M. Merritt's unopposed motion to be relieved as counsel for Griff Construction and Mr. Fix-It is **GRANTED**. Robert Merritt shall file a proof of service showing service of a copy of the signed order on Griff Construction and Mr. Fix-It by May 15, 2008.